

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 ORM-02 L-03 ARAE-00 SSO-00 /018 W  
-----161634Z 065411 /46  
O 161545Z FEB 77  
FM AMEMBASSY SANTIAGO  
TO SECSTATE WASHDC IMMEDIATE 3470

C O N F I D E N T I A L SECTION 1 OF 2 SANTIAGO 1328

E.O. 11652: GDS  
TAGS: SHUM CI  
SUBJECT: STRATEGY PAPER FOR THE PROMOTION OF HUMAN RIGHTS

REF: A) STATE 034069, B) SANTIAGO 0487

1. SUMMARY: THE EMBASSY'S GOALS FOR IMPROVED HUMAN RIGHTS PRACTICES IN CHILE REMAIN THOSE DISCUSSED IN REF B; THE RESTORATION OF THE DUE PROCESS PROTECTION FOR CITIZENS; THE ABOLITION OF DINA OR ITS SUBJECTION TO ADEQUATE CONTROLS; AND THE ACCEPTANCE BY THE GOC OF RESPONSIBLE INTERNAL INSPECTION. THE RESTORATION OF DUE PROCESS AND ELIMINATION OF DINA WOULD ALSO ELIMINATE DISAPPEARANCES. SINCE EITHER OR BOTH WILL BE DIFFICULT OF ACHIEVEMENT, WE BELIEVE THE ELIMINATION OF DISAPPEARANCES SHOULD BE A SEPARATE OBJECTIVE. THE IMPACT ON THE GOC OF SUCH CHANGES WOULD BE GREAT. WE JUDGE THAT IT WOULD BE POSSIBLE TO EFFECT THEM IN A REASONABLE TIME WITHOUT IMPERILING CHILE'S INTERNAL SECURITY. OVER TIME, SUCH CHANGES WOULD CONTRIBUTE TO THE REESTABLISHMENT OF CHILE'S TRADITIONAL POLITICAL FREEDOMS, AT LEAST TO SOME DEGREE. END SUMMARY.

2. CHANGES TO BE SOUGHT IN PRIORITY ORDER:

(A) RESTORATION OF NORMAL DUE PROCESS FOR PROTECTION OF CITIZENS; PUT MORE POSITIVELY AND IN TERMS LESS  
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OBJECTIONABLE TO THE GOC, THIS OBJECTIVE CAN BE CHARACTERIZED AS ABOLITION OF THE GOC'S EMERGENCY AUTHORITY. IN ANY CASE, "DUE PROCESS," WOULD HAVE TO ENTAIL, FOR EXAMPLE, THE END OF ARBITRARY PRESIDENTIAL AUTHORITY UNDER STATE OF SIEGE TO DETAIN PERSONS INDEFINITELY WITHOUT CHARGE, OR TO UNDERTAKE OTHER REPRESSIVE MEASURES UNDER THE RATIONALE OF NATIONAL SECURITY. THE RESTORATION MIGHT

BE PHASED, PERHAPS IN CONJUNCTION WITH REGULAR REDUCTION IN EMERGENCY AUTHORITY. BUT THE TERMS WOULD HAVE TO BE CLEAR, SO THAT THE AIM COULD NOT BE THWARTED BY LEGAL OBFUSCATION.

(B) ABOLISH OR RESTRICT DINA: DINA HAS THE DUAL FUNCTIONS OF COORDINATING THE OVERALL GOC INTELLIGENCE EFFORT, AND INTERNAL SECURITY. THE FIRST FUNCTION IS LEGITIMATE AND COULD BE TRANSFERRED TO A NEW BODY. BUT NORMAL POLICE FUNCTIONS SHOULD BE CARRIED OUT BY THE REGULAR POLICE, UNDER SECURE INSTITUTIONAL CONTROL, AND NOT BY A SECRET POLICE WITH NEAR OMNIPOTENT POWERS AND RESPONSIBILITY ONLY TO THE PRESIDENT.

(C) END OF DISAPPEARANCES: IF WE ARE SUCCESSFUL IN ACHIEVING THE REESTABLISHMENT OF DUE PROCESS AND THE ABOLITION OF DINA, THE PROBLEM OF THE DISAPPEARANCE OF OPPONENTS OF THE REGIME WOULD ITSELF DISAPPEAR. WE HAVE NO ILLUSIONS ABOUT HOW DIFFICULT IT WILL BE TO CONVINCE THE GOC TO REESTABLISH DUE PROCESS AND ELIMINATE DINA. THE LATTER WILL BE PARTICULARLY DIFFICULT. IN THE MEANTIME, WE SHOULD FOCUS ON THE PROBLEMS OF DISAPPEARANCES, SINCE IT MAY BE POSSIBLE TO MAKE PROGRESS WITHOUT AFFECTING THE INSTITUTIONAL CHANGES REQUIRED IN A AND B. DETENTIONS RESULTING IN DISAPPEARANCES ARE ILLEGAL EVEN UNDER THE EXTENSIVE AUTHORITY GRANTED THE GOC UNDER EMERGENCY LEGISLATION. THE PERSON IS PICKED UP, OFTEN WITHOUT WITNESSES, AND NOT HEARD OF AGAIN. THE GOVERNMENT DENIES THE DETENTION, AND SINCE THE CHIEF DETAINING

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AGENCY -- THE DIRECTORATE OF NATIONAL INTELLIGENCE (DINA) -- IS PROTECTED BY ITS NATIONAL SECURITY FUNCTION, THE CIVIL COURTS CANNOT GET A HANDLE ON THEM. WITH AUTHORIZED PREVENTIVE DETENTION AND TORTURE (EXCEPT FOR WHAT MAY HAPPENED TO THE DISAPPEARED) ON THE WANE (SEE REF B) THE ISSUE OF THE DISAPPEARED IS MOST ACUTE. REPRESENTATION OF A US POSITION ON DISAPPEARANCES WOULD HAVE TO REACH THE HIGHEST LEVEL OF GOVERNMENT: PRESIDENT PINOCHET (TO WHOM DINA IS DIRECTLY RESPONSIBLE), THE OTHER JUNTA MEMBERS, AND THE SENIOR ARMY GENERALS IN PINOCHET'S ENTOURAGE.

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE 3471

C O N F I D E N T I A L SECTION 2 OF 2 SANTIAGO 1328

(D) INSPECTION BY RESPONSIBLE INTERNATIONAL GROUPS:  
WITH THE SECRET POLICE OUT OF ACTION AND THE CITIZEN  
AGAIN ABLE TO PROTECT HIS RIGHTS, RESPONSIBLE INTERNATIONAL  
GROUPS COULD CHECK TO SEE THAT THE SYSTEM WAS SELF-REGU-  
LATING. IT IS IMPORTANT, OF COURSE, THAT THE INTER-  
NATIONAL BODIES INDEED BE RESPONSIBLE.

### 3. EFFECT ON THE GOC INTERNALLY

IF CARRIED OUT OVER A REASONABLE PERIOD OF TIME,  
THESE CHANGES SHOULD NOT IMPERIL THE ESSENTIAL ABILITY  
OF THE GOVERNMENT TO GOVERN AND MAINTAIN THE DOMESTIC  
TRANQUILITY. IN THE LONG RUN SUCH CHANGES WOULD TEND  
TO IMPEL CHILEAN SOCIETY IN THE DIRECTION OF MORE  
OPENNESS AND POLITICAL PARTICIPATION. THE PRESENT  
REGIME WILL FEEL VERY THREATENED BY THIS. IN THE SHORT RUN,  
WE WOULD NOTE THE FOLLOWING IMPACT:

(A) DISAPPEARANCES: ILLEGAL DETENTIONS REMIND PEOPLE  
THAT THE GOVERNMENT CAN STILL BE RUTHLESS IN SUPPRESSING  
SUBVERSION AND DISSENT. BUT THOSE PROBLEMS CAN BE  
HANDLED IN LEGAL WAYS WITHOUT UNDERMINING THE GOVERN-  
MENT'S ESSENTIAL AUTHORITY.

(B) DUE PROCESS: THE RESTORATION OF FULL DUE PRO-  
CESS WOULD MAKE LIFE MORE DIFFICULT FOR THE GOVERNMENT.  
IT WOULD HAVE TO ADOPT A DIFFERENT STYLE, SEEK BROADER  
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SUPPORT AND INURE ITSELF TO MUCH MORE CRITICISM. IF  
CARRIED OUT COMPLETELY AND IMMEDIATELY, THE GOVERNMENT'S  
AUTHORITY AND ABILITY TO GOVERN MIGHT BE SERIOUSLY  
AFFECTED.

(C) DINA: THE EFFICIENCY OF THE GOC'S ANTI-SUB-  
VERSIVE MEASURES WOULD BE AFFECTED, AND THE POLICE WOULD

BE CONSIDERABLY BURDENED. POLITICAL ACTIVITY WOULD INCREASE, AS WOULD CRITICISM OF THE GOVERNMENT. PERHAPS MOST IMPORTANT, WHATEVER THE IMPORTANCE OF DINA IN ENSURING PINOCHET'S POSITION AS PRESIDENT, HIS POSITION WOULD BE WEAKENED.

(D) INTERNATIONAL INVESTIGATING GROUPS: THEY WOULD ACT AS GUARANTOR FOR OTHER CHANGES AND AS SUCH ENCOURAGE THOSE WHO WOULD EXPLOIT THE CHANGES TO ENGAGE IN FREER ACTIVITY OF VARIOUS SORTS -- LEGITIMATE AND OTHERWISE.  
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## Message Attributes

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**To:** STATE  
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